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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,317	03/31/2004	Richard Lum	MS1-1949US	1124
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LEE & HAYES PLLC				
421 W RIVERSIDE AVENUE SUITE 500				
SPOKANE, WA 99201				
EXAMINER				
WERT, JOSHUA P				
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3714				
MAIL DATE		DELIVERY MODE		
06/02/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/817,317

Applicant(s)

LUM ET AL.

Examiner

JOSHUA WERT

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Gosior et al., US Patent 6,684,062 (Gosior).
3. Regarding claims 1, 6-8, 12-14, 16-18, 22-26 and 28-34, Gosior discloses a wireless (RF) gaming system and method comprising a host (12/14) that receives game controller data and determines QOS on the received controller data based on data packets, wherein transmission power management at the game controller is based on the QOS of the received game controller data (Col. 10 lines 14-25); and a general-purpose game controller (10) that transmits the game controller data to the host, receives host data from the host and determines QOS on the received host data based on data packets, wherein reception power management at the game controller is based on the QOS of the received host data (Col. 9, line 50 – Col. 10, line 5).
4. Regarding claims 2-5, 19-20, 27, Gosior discloses adjusting the power levels dynamically (Col. 10, lines 4-5) which is equivalent to increasing and decreasing power/sensitivity based on the QOS and other data control information.

5. Regarding claims 9, 11, 15, 21, Gosior discloses the host being a base transceiver and electronic game device that comprises a processor and interface to receive game controller data coupled to the processor (Col. 4, line 42 – Col. 5, line 13) wherein the processor determines if the game controller data has been correctly received (Col. 5, line 43 – Col. 6, line 15; in addition, the host contains an LED that shows status information of the transmission and reception of information, which inherently includes correctness of the transmission).

6. Regarding claims 10, Gosior discloses the game controller having a processor to determine if the host data has been correctly received and an interface to receive host data (Col. 3, line 61 – Col. 4, line 24; the controller contains an LED that shows status information of the transmission and reception of information, which inherently includes correctness of the transmission).

Response to Arguments

7. Applicant's arguments filed 3/13/08 have been fully considered but they are not persuasive. Independent claim 1 recites, "wherein transmission/[reception] power management...is based on the QOS of the received game controller data." As interoperated by the examiner, the term "based on" is not an exclusive term. The transmission/reception power management is controlled by an information set that must include QOS information, but may also include any other type of information desired by a designer. Since there is nothing in the claim that limits the extent to which the power management is based on the QOS data, a reference such as Gosior properly

anticipated the claims. Gosior discloses in the abstract that the purpose of the system is to, "achieve significant advantages in the area[s] of ...power consumption." This is achieved by Gosior, in part, by using a received signal strength indicator (RSSI) that initially compares the received power level to a standard as pointed out in page 13 of the response. The RSSI is transmitted in the CRH (controller response to poll header) along with QOS information in what Gosior calls the, "data control and RF link control information" section of the sub-header (Col. 10, lines 14-25). Since Gosior groups the data control information and RF link control information in to one item (examiner notes the 3 pieces of information in the header, data type(1), data address(2) and data control information and RF link control information (3)) the examiner views the QOS data and RSSI data as one group of control data. Page 14 of the response states that the QOS data is in a separate header from the RSSI data. Col. 10, lines 2-3 state that there are multiple headers, but the following paragraphs define what information is in which header and the RSSI and QOS data are both clearly in the same header and in the same family of data and RF link control information. Therefore, since the power control in Gosior is based on the information from the CRH, and specifically with the data and RF link control information, which contains QOS and RSSI data, the power control is based on the QOS data. While the present application might place more weight on QOS data in the determination of the power management than Gosior does, within the scope of the claim as written, Gosior still anticipated the claim. Furthermore, since Gosior discloses both QOS information and RSSI information being sent together in the same header and both controlling aspects of the transmission/reception of the system, it

would be obvious to one of ordinary skill in the art to adjust the extent that each piece of data is used in the adjustment of the system including power control.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA WERT whose telephone number is (571)270-1894. The examiner can normally be reached on Monday - Thursday 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

5/27/08

JPW

/J. W./

Examiner, Art Unit 3714

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3714